



General Assembly

January Session, 2009

Committee Bill No. 6097

LCO No. 3777

03777HB06097CE_

Referred to Committee on Commerce

Introduced by:
(CE)

AN ACT CONCERNING BROWNFIELDS DEVELOPMENT PROJECTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 25-68d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2009*):

4 (d) Any state agency proposing an activity or critical activity within
5 or affecting the floodplain may apply to the commissioner for
6 exemption from the provisions of subsection (b) of this section. Such
7 application shall include a statement of the reasons why such agency is
8 unable to comply with said subsection and any other information the
9 commissioner deems necessary. The commissioner, at least thirty days
10 before approving, approving with conditions or denying any such
11 application, shall publish once in a newspaper having a substantial
12 circulation in the affected area notice of: (1) The name of the applicant;
13 (2) the location and nature of the requested exemption; (3) the tentative
14 decision on the application; and (4) additional information the
15 commissioner deems necessary to support the decision to approve,
16 approve with conditions or deny the application. There shall be a
17 comment period following the public notice during which period

18 interested persons and municipalities may submit written comments.
19 After the comment period, the commissioner shall make a final
20 determination to either approve the application, approve the
21 application with conditions or deny the application. The commissioner
22 may hold a public hearing prior to approving, approving with
23 conditions or denying any application if in the discretion of the
24 commissioner the public interest will be best served thereby, and the
25 commissioner shall hold a public hearing upon receipt of a petition
26 signed by at least twenty-five persons. Notice of such hearing shall be
27 published at least thirty days before the hearing in a newspaper
28 having a substantial circulation in the area affected. The commissioner
29 may approve or approve with conditions such exemption if the
30 commissioner determines that (A) the agency has shown that the
31 activity or critical activity is in the public interest, will not injure
32 persons or damage property in the area of such activity or critical
33 activity, complies with the provisions of the National Flood Insurance
34 Program, and, in the case of a loan or grant, the recipient of the loan or
35 grant has been informed that increased flood insurance premiums may
36 result from the activity or critical activity. An activity shall be
37 considered to be in the public interest if it is a development subject to
38 environmental remediation regulations adopted pursuant to section
39 22a-133k and is in or adjacent to an area identified as a regional center,
40 neighborhood conservation area, growth area or rural community
41 center in the State Plan of Conservation and Development pursuant to
42 chapter 297, [or] (B) in the case of a flood control project, such project
43 meets the criteria of subparagraph (A) of this subdivision and is more
44 cost-effective to the state and municipalities than a project constructed
45 to or above the base flood or base flood for a critical activity, or (C) the
46 proposal is a change in land use of real property subject to
47 environmental remediation requirements adopted pursuant to section
48 22a-133k that is not considered an intensive use. Reuse of mills and
49 other brownfields as defined in section 32-9kk shall not require an
50 exemption from floodplain management certification provided the
51 project renovates an existing structure or structures or the footprint of

52 new construction does not exceed the historic footprint of the former
53 structure on the brownfield, any residential living space is above the
54 five hundred year flood elevations, and such renovation complies with
55 the provisions of the National Flood Insurance Program. Following
56 approval for exemption for a flood control project, the commissioner
57 shall provide notice of the hazards of a flood greater than the capacity
58 of the project design to each member of the legislature whose district
59 will be affected by the project and to the following agencies and
60 officials in the area to be protected by the project: The planning and
61 zoning commission, the inland wetlands agency, the director of civil
62 defense, the conservation commission, the fire department, the police
63 department, the chief elected official and each member of the
64 legislative body, and the regional planning agency. Notice shall be
65 given to the general public by publication in a newspaper of general
66 circulation in each municipality in the area in which the project is to be
67 located.

68 Sec. 2. Subdivision (1) of section 22a-134 of the general statutes is
69 repealed and the following is substituted in lieu thereof (*Effective from*
70 *passage*):

71 (1) "Transfer of establishment" means any transaction or proceeding
72 through which an establishment undergoes a change in ownership, but
73 does not mean:

74 (A) Conveyance or extinguishment of an easement;

75 (B) Conveyance of an establishment through a foreclosure, as
76 defined in subsection (b) of section 22a-452f or foreclosure of a
77 municipal tax lien or through a tax warrant sale pursuant to section 12-
78 157 or [, provided the establishment is within the pilot program
79 established in subsection (c) of section 32-9cc,] a subsequent transfer by
80 such municipality that has foreclosed municipal tax liens or that has
81 acquired title to the property through section 12-157;

82 (C) Conveyance of a deed in lieu of foreclosure to a lender, as

83 defined in and that qualifies for the secured lender exemption
84 pursuant to subsection (b) of section 22a-452f;

85 (D) Conveyance of a security interest, as defined in subdivision (7)
86 of subsection (b) of section 22a-452f;

87 (E) Termination of a lease and conveyance, assignment or execution
88 of a lease for a period less than ninety-nine years including
89 conveyance, assignment or execution of a lease with options or similar
90 terms that will extend the period of the leasehold to ninety-nine years,
91 or from the commencement of the leasehold, ninety-nine years,
92 including conveyance, assignment or execution of a lease with options
93 or similar terms that will extend the period of the leasehold to ninety-
94 nine years, or from the commencement of the leasehold;

95 (F) Any change in ownership approved by the Probate Court;

96 (G) Devolution of title to a surviving joint tenant, or to a trustee,
97 executor or administrator under the terms of a testamentary trust or
98 will, or by intestate succession;

99 (H) Corporate reorganization not substantially affecting the
100 ownership of the establishment;

101 (I) The issuance of stock or other securities of an entity which owns
102 or operates an establishment;

103 (J) The transfer of stock, securities or other ownership interests
104 representing less than forty per cent of the ownership of the entity that
105 owns or operates the establishment;

106 (K) Any conveyance of an interest in an establishment where the
107 transferor is the sibling, spouse, child, parent, grandparent, child of a
108 sibling or sibling of a parent of the transferee;

109 (L) Conveyance of an interest in an establishment to a trustee of an
110 inter vivos trust created by the transferor solely for the benefit of one

111 or more siblings, spouses, children, parents, grandchildren, children of
112 a sibling or siblings of a parent of the transferor;

113 (M) Any conveyance of a portion of a parcel upon which portion no
114 establishment is or has been located and upon which there has not
115 occurred a discharge, spillage, uncontrolled loss, seepage or filtration
116 of hazardous waste, provided either the area of such portion is not
117 greater than fifty per cent of the area of such parcel or written notice of
118 such proposed conveyance and an environmental condition
119 assessment form for such parcel is provided to the commissioner sixty
120 days prior to such conveyance;

121 (N) Conveyance of a service station, as defined in subdivision (5) of
122 this section;

123 (O) Any conveyance of an establishment which, prior to July 1, 1997,
124 had been developed solely for residential use and such use has not
125 changed;

126 (P) Any conveyance of an establishment to any entity created or
127 operating under chapter 130 or 132, or to an urban rehabilitation
128 agency, as defined in section 8-292, or to a municipality under section
129 32-224, or to the Connecticut Development Authority or any
130 subsidiary of the authority;

131 (Q) Any conveyance of a parcel in connection with the acquisition of
132 properties to effectuate the development of the overall project, as
133 defined in section 32-651;

134 (R) The conversion of a general or limited partnership to a limited
135 liability company under section 34-199;

136 (S) The transfer of general partnership property held in the names of
137 all of its general partners to a general partnership which includes as
138 general partners immediately after the transfer all of the same persons
139 as were general partners immediately prior to the transfer;

140 (T) The transfer of general partnership property held in the names
141 of all of its general partners to a limited liability company which
142 includes as members immediately after the transfer all of the same
143 persons as were general partners immediately prior to the transfer;

144 (U) Acquisition of an establishment by any governmental or quasi-
145 governmental condemning authority;

146 (V) Conveyance of any real property or business operation that
147 would qualify as an establishment solely as a result of (i) the
148 generation of more than one hundred kilograms of universal waste in
149 a calendar month, (ii) the storage, handling or transportation of
150 universal waste generated at a different location, or (iii) activities
151 undertaken at a universal waste transfer facility, provided any such
152 real property or business operation does not otherwise qualify as an
153 establishment; there has been no discharge, spillage, uncontrolled loss,
154 seepage or filtration of a universal waste or a constituent of universal
155 waste that is a hazardous substance at or from such real property or
156 business operation; and universal waste is not also recycled, treated,
157 except for treatment of a universal waste pursuant to 40 CFR
158 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at
159 such real property or business operation; or

160 (W) Conveyance of a unit in a residential common interest
161 community in accordance with section 22a-134i.

162 Sec. 3. Subsection (a) of section 32-9ee of the general statutes is
163 repealed and the following is substituted in lieu thereof (*Effective July*
164 *1, 2009*):

165 (a) [The] Any municipality or economic development agency that
166 receives grants through the Office of Brownfield Remediation and
167 [Development's pilot program established in subsection (c) of section
168 32-9cc] Development shall be considered an innocent party and shall
169 not be liable under section 22a-432, 22a-433, 22a-451 or 22a-452, as
170 amended by this act, as long as the municipality or economic

171 development agency did not cause or contribute to the discharge,
172 spillage, uncontrolled loss, seepage or filtration of such hazardous
173 substance, material, waste or pollution that is subject to remediation
174 under [this pilot program] section 22a-133k and funded by the Office
175 of Brownfield Remediation and Development; does not exacerbate the
176 conditions; and complies with reporting of significant environmental
177 hazard requirements in section 22a-6u. To the extent that any
178 conditions are exacerbated, the municipality or economic development
179 agency shall only be responsible for responding to contamination
180 directly caused by its activities.

181 Sec. 4. Section 22a-452 of the general statutes is repealed and the
182 following is substituted in lieu thereof (*Effective July 1, 2009*):

183 (a) [Any] Subject only to the defenses set forth in subsections (b), (d)
184 and (f) of this section, any person [, firm, corporation] or municipality
185 [which] that contains or removes or otherwise mitigates the effects of
186 oil or petroleum or chemical liquids or solid, liquid or gaseous
187 products, hazardous substances or hazardous wastes resulting from
188 any discharge, spillage, uncontrolled loss, seepage or filtration of such
189 substance or material or waste shall be entitled to reimbursement or
190 recovery from any person [, firm or corporation] for the reasonable
191 costs expended or to be expended for such containment, removal, or
192 mitigation, including the reasonable costs of investigation and
193 monitoring, if such oil or petroleum or chemical liquids or solid, liquid
194 or gaseous products or hazardous substances or hazardous wastes
195 pollution or contamination or other emergency [resulted from the
196 negligence or other actions of such person, firm or corporation] (1) was
197 directly or indirectly caused by such person, or (2) such person,
198 regardless of fault, is (A) the owner or operator of a facility, (B) any
199 person who, at the time of disposal of any hazardous substance,
200 owned or operated any facility at which such hazardous substances
201 were disposed of, (C) any person who by contract, agreement or
202 otherwise arranged for disposal or treatment, or arranged with a
203 transporter for transport for disposal or treatment, of hazardous

204 substances owned or possessed by such person, by any other party or
205 entity at any facility owned or operated by another party or entity and
206 containing such hazardous substances, or (D) any person who accepts
207 or accepted any hazardous substances for transport to disposal or
208 treatment facilities or sites selected by such person from which there is
209 a discharge, spillage, uncontrolled loss, seepage or filtration of
210 hazardous substances. When such pollution or contamination or
211 emergency results from the joint [negligence or other] actions or
212 omissions of two or more persons, [firms or corporations,] each shall
213 be liable to the others for a pro rata share of the costs of containing,
214 and removing or otherwise mitigating the effects of the same and for
215 all damage caused thereby. For the purposes of this section,
216 "hazardous substances" has the same meaning as in section 22a-134, as
217 amended by this act, provided the municipal solid waste exemption of
218 42 USC 9607(p) shall apply and "owner and operator" and "facility"
219 have the same meanings as in 42 USC 9601.

220 (b) No person [, firm or corporation which] who renders assistance
221 or advice in mitigating or attempting to mitigate the effects of an actual
222 or threatened discharge of oil or petroleum or chemical liquids or
223 solid, liquid or gaseous products or hazardous [materials] wastes or
224 hazardous substances, other than a discharge of oil as defined in
225 section 22a-457b, to the surface waters of the state, or [which] who
226 assists in preventing, cleaning-up or disposing of any such discharge
227 shall be held liable, notwithstanding any other provision of law, for
228 civil damages as a result of any act or omission by him in rendering
229 such assistance or advice, except acts or omissions amounting to gross
230 negligence or wilful or wanton misconduct, unless he is compensated
231 for such assistance or advice for more than actual expenses. For the
232 purpose of this subsection, and "discharge" means spillage,
233 uncontrolled loss, seepage or filtration. [and "hazardous materials"
234 means any material or substance designated as such by any state or
235 federal law or regulation.]

236 (c) The immunity provided in this section shall not apply to (1) any

237 person, firm or corporation responsible for such discharge, or under a
238 duty to mitigate the effects of such discharge, (2) any agency or
239 instrumentality of such person, firm or corporation or (3) negligence in
240 the operation of a motor vehicle.

241 (d) An action for reimbursement or recovery of the reasonable costs
242 expended for containment, removal or mitigation, including the
243 reasonable costs of investigation and monitoring, shall be commenced
244 on or before the later of (1) six years after initiation of the physical on-
245 site construction of the remedial action taken to contain, remove or
246 mitigate the effects of oil or petroleum or chemical liquids or solid,
247 liquid or gaseous products or hazardous wastes or hazardous
248 substances, or (2) three years after the completion of the containment,
249 removal or mitigation activities.

250 (e) In any action brought pursuant to this section, the Superior
251 Court may issue an order granting the reimbursement or recovery of
252 reasonable costs to be incurred in the future.

253 (f) A person shall not be liable under this section when the person
254 can establish by a preponderance of the evidence that the discharge,
255 spillage, uncontrolled loss, seepage or filtration of a hazardous
256 substance and the resulting damages were caused solely by (1) an act
257 of God, (2) an act of war, (3) an act or omission of (A) a third party
258 other than an employee or agent of the person, or (B) a third party
259 whose act or omission occurs in connection with a contractual
260 relationship, existing directly or indirectly, with the person, except that
261 a person shall not be liable where the sole contractual arrangement
262 with such third party arises from a published tariff and acceptance for
263 carriage by a common carrier by rail, if the person establishes by a
264 preponderance of the evidence that such person (i) exercised due care
265 with respect to the hazardous substance taking into consideration the
266 characteristics of such hazardous substance, in light of all relevant facts
267 and circumstances, and (ii) took precautions against foreseeable acts or
268 omissions of any such third party and the consequences that could

269 foreseeably result from such acts or omissions, or (4) any combination
270 of the foregoing.

271 (g) This section shall apply to any action for the reimbursement or
272 recovery of the reasonable costs for containment, removal or
273 mitigation, including the reasonable costs of investigation and
274 monitoring, except that it shall not apply to any action that has become
275 final, and is no longer subject to appeal, on or before October 1, 2009.

276 Sec. 5. Section 22a-134b of the general statutes is repealed and the
277 following is substituted in lieu thereof (*Effective October 1, 2009*):

278 (a) Failure of the transferor to comply with any of the provisions of
279 sections 22a-134 to 22a-134e, inclusive, as amended by this act, entitles
280 the transferee to recover damages from the transferor, and renders the
281 transferor of the establishment strictly liable, without regard to fault,
282 for all remediation costs and for all direct and indirect damages.

283 (b) An action to recover damages pursuant to subsection (a) of this
284 section shall be commenced not later than six years after the later of
285 the (1) due date for the filing of the appropriate transfer form under
286 section 22a-134a, or (2) the actual filing date of the appropriate transfer
287 form.

288 (c) This section shall apply to any action brought for the
289 reimbursement or recovery of remediation costs and all direct and
290 indirect damages provided this section shall not apply to any action
291 that becomes final and is no longer subject to appeal on or before
292 October 1, 2009.

293 Sec. 6. Section 22a-133dd of the general statutes is repealed and the
294 following is substituted in lieu thereof (*Effective from passage*):

295 (a) Any municipality or licensed environmental professional
296 employed or retained by a municipality may enter, without liability,
297 [to any person other than the Commissioner of Environmental
298 Protection,] upon any property within such municipality for the

299 purpose of performing an environmental site assessment or
300 investigation on behalf of the municipality if: (1) The owner of such
301 property cannot be located; (2) such property is encumbered by a lien
302 for taxes due such municipality; (3) upon a filing of a notice of eminent
303 domain; (4) the municipality's legislative body finds that such
304 investigation is in the public interest to determine if the property is
305 underutilized or should be included in any undertaking of
306 development, redevelopment or remediation pursuant to this chapter
307 or chapter 130, 132 or 581; or (5) any official of the municipality
308 reasonably finds such investigation necessary to determine if such
309 property presents a risk to the safety, health or welfare of the public or
310 a risk to the environment. The municipality shall give at least forty-five
311 days' notice of such entry before the first such entry by certified mail to
312 the property owner's last known address of record.

313 (b) A municipality accessing or entering a property to perform an
314 investigation pursuant to this section shall not [incur any liability
315 pursuant to section 22a-432 for any preexisting contamination or
316 pollution on such property, provided, however, a municipality may be
317 liable for any pollution or contamination resulting from a negligent or
318 reckless investigation] be liable under section 22a-432, 22a-433, 22a-451
319 or 22a-452, as amended by this act, provided the municipality (1) did
320 not cause or contribute to the discharge, spillage, uncontrolled loss,
321 seepage or filtration of such hazardous substance, material, waste or
322 pollution; (2) does not exacerbate the conditions; and (3) complies with
323 reporting of significant environmental hazard requirements pursuant
324 to section 22a-6u. To the extent that any conditions are exacerbated, the
325 municipality shall only be responsible for responding to contamination
326 directly caused by its activities.

327 (c) The owner of the property may object to such access and entry
328 by the municipality by filing an action in the Superior Court not later
329 than thirty days after receipt of the notice provided pursuant to
330 subsection (a) of this section, provided any objection be limited to the
331 owner affirmatively representing that it is diligently investigating the

332 site in a timely manner and that any municipal taxes owed will be paid
333 in full.

334 Sec. 7. (NEW) (*Effective July 1, 2009, and applicable to income years*
335 *commencing on or after January 1, 2009*) (a) As used in this section,
336 "eligible costs" means the cost of site investigation and remediation,
337 including all soil and groundwater costs and costs associated with
338 infrastructure abatement, demolition and rehabilitation, and "qualified
339 brownfield site" means property undergoing a change of ownership
340 that is subject to section 22a-134a of the general statutes or that is
341 involved in a voluntary remediation program pursuant to sections 22a-
342 133x and 22a-133y of the general statutes.

343 (b) There shall be allowed a credit against the taxes imposed under
344 chapters 208 and 229 of the general statutes for investigation and
345 remediation of brownfield properties. The credit shall be in an amount
346 equal to one hundred per cent of such taxpayer's eligible costs.

347 (c) If the credit, established pursuant to subsection (b) of this
348 section, reduces the taxpayer's liability to less than zero, the excess
349 credit may be used to reduce the taxpayer's liability in future years.

350 (d) Municipalities, economic development authorities, regional
351 economic development authorities, or nonprofit, community or
352 economic development corporations who do not pay taxes to the state
353 may also claim a tax credit for the eligible costs and sell those credits to
354 taxpayers.

355 Sec. 8. Section 32-23zz of the general statutes is repealed and the
356 following is substituted in lieu thereof (*Effective July 1, 2009*):

357 (a) For the purpose of assisting (1) any information technology
358 project, as defined in subsection (ee) of section 32-23d, which is located
359 in an eligible municipality, as defined in subdivision (12) of subsection
360 (a) of section 32-9t, or (2) any remediation project, as defined in
361 subsection (ii) of section 32-23d, the Connecticut Development

362 Authority may, upon a resolution of the legislative body of a
363 municipality, issue and administer bonds which are payable solely or
364 in part from and secured by: (A) A pledge of and lien upon any and all
365 of the income, proceeds, revenues and property of such a project,
366 including the proceeds of grants, loans, advances or contributions from
367 the federal government, the state or any other source, including
368 financial assistance furnished by the municipality or any other public
369 body, (B) taxes or payments or grants in lieu of taxes allocated to and
370 payable into a special fund of the Connecticut Development Authority
371 pursuant to the provisions of subsection (b) of this section, or (C) any
372 combination of the foregoing. Any such bonds of the Connecticut
373 Development Authority shall mature at such time or times not
374 exceeding thirty years from their date of issuance and shall be subject
375 to the general terms and provisions of law applicable to the issuance of
376 bonds by the Connecticut Development Authority, except that such
377 bonds shall be issued without a special capital reserve fund as
378 provided in subsection (b) of section 32-23j and, for purposes of section
379 32-23f, only the approval of the board of directors of the authority shall
380 be required for the issuance and sale of such bonds. Any pledge made
381 by the municipality or the Connecticut Development Authority for
382 bonds issued as provided in this section shall be valid and binding
383 from the time when the pledge is made, and revenues and other
384 receipts, funds or moneys so pledged and thereafter received by the
385 municipality or the Connecticut Development Authority shall be
386 subject to the lien of such pledge without any physical delivery thereof
387 or further act. The lien of such pledge shall be valid and binding
388 against all parties having claims of any kind in tort, contract or
389 otherwise against the municipality or the Connecticut Development
390 Authority, even if the parties have no notice of such lien. Recording of
391 the resolution or any other instrument by which such a pledge is
392 created shall not be required. In connection with any such assignment
393 of taxes or payments in lieu of taxes, the Connecticut Development
394 Authority may, if the resolution so provides, exercise the rights
395 provided for in section 12-195h of an assignee for consideration of any

396 lien filed to secure the payment of such taxes or payments in lieu of
397 taxes. All expenses incurred in providing such assistance may be
398 treated as project costs.

399 (b) Any proceedings authorizing the issuance of bonds under this
400 section may contain a provision that taxes or a specified portion
401 thereof, if any, identified in such authorizing proceedings and levied
402 upon taxable real or personal property, or both, in a project each year,
403 or payments or grants in lieu of such taxes or a specified portion
404 thereof, by or for the benefit of any one or more municipalities,
405 districts or other public taxing agencies, as the case may be, shall be
406 divided as follows: (1) In each fiscal year that portion of the taxes or
407 payments or grants in lieu of taxes which would be produced by
408 applying the then current tax rate of each of the taxing agencies to the
409 total sum of the assessed value of the taxable property in the project on
410 the date of such authorizing proceedings, adjusted in the case of grants
411 in lieu of taxes to reflect the applicable statutory rate of
412 reimbursement, shall be allocated to and when collected shall be paid
413 into the funds of the respective taxing agencies in the same manner as
414 taxes by or for said taxing agencies on all other property are paid; and
415 (2) that portion of the assessed taxes or the payments or grants in lieu
416 of taxes, or both, each fiscal year in excess of the amount referred to in
417 subdivision (1) of this subsection shall be allocated to and when
418 collected shall be paid into a special fund of the Connecticut
419 Development Authority to be used in each fiscal year, in the discretion
420 of the Connecticut Development Authority, to pay the principal of and
421 interest due in such fiscal year on bonds issued by the Connecticut
422 Development Authority to finance, refinance or otherwise assist such
423 project, to purchase bonds issued for such project, or to reimburse the
424 provider of or reimbursement party with respect to any guarantee,
425 letter of credit, policy of bond insurance, funds deposited in a debt
426 service reserve fund, funds deposited as capitalized interest or other
427 credit enhancement device used to secure payment of debt service on
428 any bonds issued by the Connecticut Development Authority to
429 finance, refinance or otherwise assist such project, to the extent of any

430 payments of debt service made therefrom. Unless and until the total
431 assessed valuation of the taxable property in a project exceeds the total
432 assessed value of the taxable property in such project as shown by the
433 last assessment list referred to in subdivision (1) of this subsection, all
434 of the taxes levied and collected and all of the payments or grants in
435 lieu of taxes due and collected upon the taxable property in such
436 project shall be paid into the funds of the respective taxing agencies.
437 When such bonds and interest thereof, and such debt service
438 reimbursement to the provider of or reimbursement party with respect
439 to such credit enhancement, have been paid in full, all moneys
440 thereafter received from taxes or payments or grants in lieu of taxes
441 upon the taxable property in such development project shall be paid
442 into the funds of the respective taxing agencies in the same manner as
443 taxes on all other property are paid. The total amount of bonds issued
444 pursuant to this section which are payable from grants in lieu of taxes
445 payable by the state shall not exceed an amount of bonds, the debt
446 service on which in any state fiscal year is, in total, equal to one million
447 dollars.

448 (c) The authority may make grants or provide loans or other forms
449 of financial assistance from the proceeds of special or general
450 obligation notes or bonds of the authority issued without the security
451 of a special capital reserve fund within the meaning of subsection (b)
452 of section 32-23j, which bonds are payable from and secured by, in
453 whole or in part, the pledge and security provided for in section 8-134,
454 8-192, 32-227 or this section, all on such terms and conditions,
455 including such agreements with the municipality and the developer of
456 the project, as the authority determines to be appropriate in the
457 circumstances, provided any such project in an area designated as an
458 enterprise zone pursuant to section 32-70 receiving such financial
459 assistance shall be ineligible for any fixed assessment pursuant to
460 section 32-71, and the authority, as a condition of such grant, loan or
461 other financial assistance, may require the waiver, in whole or in part,
462 of any property tax exemption with respect to such project otherwise
463 available under subsection (59) or (60) of section 12-81.

464 (d) As used in this section, "bonds" means any bonds, including
465 refunding bonds, notes, temporary notes, interim certificates,
466 debentures or other obligations; "legislative body" has the meaning
467 provided in subsection (w) of section 32-222; and "municipality" means
468 a town, city, consolidated town or city or consolidated town and
469 borough.

470 (e) For purposes of this section, references to the Connecticut
471 Development Authority shall include any subsidiary of the
472 Connecticut Development Authority established pursuant to
473 subsection (l) of section 32-11a, and a municipality may act by and
474 through its implementing agency, as defined in subsection (k) of
475 section 32-222.

476 [(f) No commitments for new projects shall be approved by the
477 authority under this section on or after July 1, 2010.]

478 [(g)] (f) In the case of a remediation project, as defined in subsection
479 (ii) of section 32-23d, that involves buildings that are vacant,
480 underutilized or in deteriorating condition and as to which municipal
481 real property taxes are delinquent, in whole or in part, for more than
482 one fiscal year, the amount determined in accordance with subdivision
483 (1) of subsection (b) of this section may, if the resolution of the
484 municipality so provides, be established at an amount less than the
485 amount so determined, but not less than the amount of municipal
486 property taxes actually paid during the most recently completed fiscal
487 year. If the Connecticut Development Authority issues bonds for the
488 remediation project, the amount established in the resolution shall be
489 used for all purposes of subsection (a) of this section.

490 Sec. 9. (*Effective July 1, 2009*) The sum of two hundred million dollars
491 is appropriated to the Department of Economic and Community
492 Development, from the General Fund, for the fiscal year ending June
493 30, 2010, to provide equal funding amounts for the financial assistance
494 programs established pursuant to section 32-9kk of the general
495 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	25-68d(d)
Sec. 2	<i>from passage</i>	22a-134(1)
Sec. 3	<i>July 1, 2009</i>	32-9ee(a)
Sec. 4	<i>July 1, 2009</i>	22a-452
Sec. 5	<i>October 1, 2009</i>	22a-134b
Sec. 6	<i>from passage</i>	22a-133dd
Sec. 7	<i>July 1, 2009, and applicable to income years commencing on or after January 1, 2009</i>	New section
Sec. 8	<i>July 1, 2009</i>	32-23zz
Sec. 9	<i>July 1, 2009</i>	New section

Statement of Purpose:

To facilitate the development of brownfields projects.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. BERGER, 73rd Dist.; REP. MAZUREK, 80th Dist.
 REP. SHARKEY, 88th Dist.; REP. GENTILE, 104th Dist.
 REP. ZALASKI, 81st Dist.; REP. BUTLER, 72nd Dist.
 REP. ALDARONDO, 75th Dist.; REP. D'AMELIO, 71st Dist.
 REP. NOUJAIM, 74th Dist.; SEN. CALIGIURI, 16th Dist.
 SEN. HARTLEY, 15th Dist.; REP. REYNOLDS, 42nd Dist.
 REP. MORIN, 28th Dist.; REP. FRITZ, 90th Dist.
 SEN. FRANTZ, 36th Dist.; REP. SANTIAGO, 130th Dist.
 REP. LARSON, 11th Dist.; REP. ABERCROMBIE, 83rd Dist.
 REP. HEINRICH, 101st Dist.; REP. VILLANO, 91st Dist.

H.B. 6097